

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

DELANEY DEVELOPMENT, INC.,)	
et al.,)	
)	
Plaintiffs,)	
)	
v.)	CIVIL ACTION 11-0500-WS-M
)	
MT. HAWLEY INSURANCE)	
COMPANY, et al.,)	
)	
Defendants.)	

ORDER

The plaintiff has filed a notice of voluntary dismissal of defendant Mt. Hawley Insurance Company (“Mt. Hawley”). (Doc. 25). Because Mt. Hawley has served neither an answer nor a motion for summary judgment, dismissal is accomplished without a motion or court order. Fed. R. Civ. P. 41(a)(1)(A)(i); *Oswalt v. Scripto, Inc.*, 616 F.2d 191, 194-95 (5th Cir. 1980); *Plains Growers, Inc. ex rel. Florists’ Mutual Insurance Co.*, 474 F.2d 250, 255 (5th Cir. 1973). In accordance with the notice, Mt. Hawley is **dismissed with prejudice.**

DONE and ORDERED this 8th day of December, 2011.

s/ WILLIAM H. STEELE
CHIEF UNITED STATES DISTRICT JUDGE